

Senator from Illinois described the 2003 Medicare bill—and this was in a speech on the floor—as being written by the pharmaceutical industry. But the non-interference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is in present law.

Now, the opponents of the Medicare drug benefit always say that the non-interference clause is proof the present law was written by the drug industry. My question, Mr. President, is this: If that is what they want to think, then did the same pharmaceutical industry write these bills that the Democrats introduced in 2000, 2001, and 2002?

I bet you are wondering how many Democratic bills had the now infamous noninterference clause in it—that is, the prohibition on Government negotiation. Well, here is the whole timeline. As you can see from chart 4, that prohibition on the Government negotiating, the noninterference clause, has been in seven bills by Democrats between 1999 and 2003, including a bill introduced in the House on the same day, H.R. 1, which eventually became the bill the President signed. There were seven. Here they are. The first is the Moynihan bill, April 2000; Daschle-Reid bill, May 2000; Eshoo bill, June 2000; Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow—when she was in the House and is now a Senator—introduced June 2000. STARK had it in a motion to recommit in June 2000. Senator WYDEN from Oregon introduced it as part of S. 1185 in July 2001. THOMPSON of California had it in a House bill in June of 2003.

It seems to me that on the other side of the aisle there ought to be some consideration of where did Republicans get this idea. I hate to steal ideas from Democrats, but if they work, they work. I spoke yesterday about how this provision—or the present way of doing it. The Federal Health Employee Benefit Program has been doing it for 50 years, and it has been saving senior citizens lots of money, not just on the price of prescription drugs but prescription drugs and premiums and a lot of other things—not only saving senior citizens money out of their own pockets but saving the taxpayers with a new judgment on what the cost of the drug program is going to be that was projected back when it was signed by the President. It is \$189 billion less than the Congressional Budget Office, the CMS, and the OMB said it would cost.

Now, I know what the response will be. It will be that even though Democratic bills had nearly the exact same prohibition on Government negotiation—practically word for word in seven bills over a long period of time—opponents now think the approach is no longer the best for Medicare. That's sort of like “we supported it before we opposed it.” Beneficiaries and the public deserve more than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

#### HONORING THE UNIVERSITY OF FLORIDA'S NCAA FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida. Mr. President, I am here with a big smile on my face, with an orange and blue tie, to recognize the signal accomplishment of the University of Florida Fighting Gators, and not only now with the national championship in football, but in the same season, the 2006 season, to have the unusual achievement of having the national champions in basketball as well as football.

Throughout the season, this team was challenged time after time and was underrated in the press; yet, they had the heart to win and keep fighting. The score of 41 to 14 last night clearly shows who are the national champions.

On behalf of our State of Florida, later today, I will be introducing a resolution commending the University of Florida for being the national champions and urge our colleagues to join in this Senate resolution.

I will only additionally call to the Senate's attention that with my colleague, SHERROD BROWN of Ohio, we engaged in a friendly wager. This is not like the normal wager that years ago, when a Florida team was playing a California team and the junior Senator from California, Senator BOXER, and I entered into a friendly wager of a crate of oranges versus a barrel of California almonds—and our office enjoyed those almonds for several months. No, this was a different kind. This was a wager with Senator BROWN of Ohio that the losing team's Senator would do the number of military pushups equivalent to the score of the game in public in front of the cameras. So with a score of 41 to 14, that is 55 pushups. I will even extend the olive branch to Senator BROWN that if he doesn't want to do all of them, I will do part of them with him. But it is a great day for college football, and it is certainly a great day for the State of Florida and for the University of Florida.

#### STAR PRINT—S. 21

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that S. 21 be star printed with the changes that are at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMPACT OF THE WAR IN IRAQ

Mr. DORGAN. Mr. President, this morning and in the days leading up to today, we have seen and heard a great deal of discussion, particularly by the media, describing the issue of the President's speech tomorrow evening and all of the discussion in the political system as a political tug of war about Iraq. It is not that. This is not a political tug of war. It is a serious moment for this country to try to evaluate what to do about something that overlays almost everything else we are considering these days; that is, the current war in Iraq. What do we do about what is happening there? It is about the lives of our soldiers. It is about our country's future. It is about how to make change in Iraq, how to create the kind of change that will give us the opportunity to do the right thing.

I intend to listen carefully to what the President says in his speech to the nation tomorrow night. I am not going to prejudge what he says, but let me suggest what I think the President has to answer for us, for me, for the American people.

There is considerable discussion about the fact that the President will likely call for a surge or an increase in American troops going to Iraq. There is also discussion that perhaps he will call for additional funds that would be sent to Iraq for reconstruction or other things Americans would contribute.

One point the President will have to explain is the testimony that was given less than 2 months ago before the Senate by General Abizaid, the top military commander in Iraq. I am talking about the top military commander of American troops in Iraq. Here is what General Abizaid said in November, less than 2 months ago. He said:

I met with every divisional commander, General Casey, the corps commander, General Dempsey. We all talked together. And I said, “In your professional opinion, if we were to bring in more American troops now, does that add considerably to our ability to achieve success in Iraq?” And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

This is testimony before a congressional committee of the top U.S. military commander in Iraq saying he has asked all of his top commanders, if we were to bring in more American troops now, does it add considerably to our

ability to achieve success in Iraq. He said:

They all said no.

That is something I believe has to be reconciled. Has that changed? Has something changed in 2 months?

With respect to the amount of money that is sent to the country of Iraq, I observe this: This country has spent hundreds of billions of dollars on the Iraq war. Between Iraq and Afghanistan, we are now approaching \$400 billion. We appropriated separately roughly a \$20 billion pot of money for reconstruction in Iraq. That is in addition to the reconstruction which has been done by American soldiers. That \$20-plus billion was pushed out the door—a massive amount of money—in a short time.

I held a good number of hearings as chairman of the Democratic Policy Committee on that issue: contracting in Iraq. I think it is the most significant amount of waste, fraud, and abuse this country has ever seen. Let me show one poster that describes a part of it, which was shown at our hearing and we discussed this:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has, in some cases, produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls.

A company called the Parsons Corporation got this money. They were to rehabilitate, I believe, 142 health clinics in the country of Iraq. Twenty were done, and the rest didn't happen at all. The money was spent. All the money is gone. The American taxpayers found that all their money was gone, but the fact is that the health clinics were not rehabilitated.

There was a doctor, a physician from Iraq, who testified. He said: I went to the Health Minister of the new Government of Iraq. I said: I want to see these health clinics that were supposed to have been rehabilitated for which some \$200 million was appropriated by the U.S. taxpayers, by the U.S. Government. I want to see these health clinics.

He said the Health Minister of the new Government of Iraq said: You don't understand, they don't exist. They are imaginary clinics.

Well, our money is gone. This is an example of the waste, fraud, and abuse in contracting.

The Halliburton corporation, Custer Battles corporation—it is unbelievable—the stories. This photo shows some American officials with \$100 bills wrapped in Saran Wrap the size of a big brick. This fellow testified at a hearing I held, this man in the white shirt. He said: Look, we told contractors in Iraq: Bring a bag, we pay cash. He said it was like the Wild West: Bring a sack, we pay cash.

This \$2 million in \$100 dollar bills wrapped in Saran Wrap actually went to Custer Battles corporation. Custer Battles corporation got over \$100 million in contracts. Among other things, it is alleged they took forklift trucks

from the Baghdad Airport, took them over to a warehouse, repainted them, and then sold them to the Coalition Provisional Authority, which was us. It is a criminal action at this point.

My point is this: Whatever we do in Iraq, I want to be effective. We owe it to the troops, we owe it to the men and women who wear America's uniform.

At this point, we have America's troops in the middle of a civil war. Yes, most of this is sectarian violence. We see the reports. January 7: 30 dead in Baghdad, bodies hang from lampposts. The Government said Saturday that 72 bodies were recovered around the city, most showing signs of torture. We see these day after day after day. Our heart breaks for the innocent victims of this war. The question for us now is, Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And if so, why do we do it less than 2 months after General Abizaid said the commanders do not believe additional troops will be effective?

We have done what is called a surge in Baghdad starting last July. I believe it was somewhere around 15,000 additional troops were sent to Baghdad. The fact is, the violence increased, more soldiers died.

I am going to listen to President Bush's speech. This ought not and I hope will not and should not be political. It is about all of us, Republicans and Democrats, the President and the Congress working together to find a way for the right solution for this country to support our soldiers, make the right judgments for them, make the right judgments for our country's long-term interests.

Yes, we have a fight against terrorism that we must wage, and we must do it aggressively, but most of what is going on in Iraq at this point is sectarian violence, and it is, in fact, a civil war. The question is, What do we do now?

It seems to me that if we are going to keep American troops in Iraq for any length of time, we ought to consider partitioning so at least we separate the combatants and the sectarian violence. It only seems to me, in a civil war, that works. But I will listen intently tomorrow with my colleagues to hear what the President's new plan is. I hope we can work together in a way that begins to do what is in the best interest of this country. I am very skeptical about this issue of deciding that we are going to surge additional troops into Iraq, even as the top military commanders in Iraq say that should not be done.

I mentioned Iraq first because it overwhelms most of the other agenda here, but there are so many other issues with which we must deal. Let's deal with Iraq and get that right, support our troops, do what is necessary, do what is best for our country. Let's work together, Republicans and Democrats, let's work together, the Presi-

dent and the Congress, and find the right solution and do what is right for our future. Then let's turn to other issues.

How about energy? It is interesting, we are held hostage by foreign oil. Over 60 percent of the oil that runs the American economy comes from off our shores. When we talk about energy independence, we need energy independence, and I support fossil fuels. We are going to use oil, coal, and natural gas. We always have and we always will, and I support that. But let me say this: In 1916, this Congress put in place tax incentives for the production of oil, long-term, robust, permanent tax incentives to incentivize the additional production of oil.

Think how different it is with what we have done with renewable energy. We decided about 20 years ago to give some tax incentives to incentivize renewable energy development, but they were temporary, short term. The production tax credit for the production of wind and other renewable energy has been extended five times because it has been short term. It has been allowed to expire three times. That is not a commitment to this country. This is not a commitment to renewable energy. This is not a commitment to energy independence. The fact is, we are just babystepping our way along in all these areas. We didn't do that with oil. We made a robust, long-term commitment in 1916, and it remains today, that said: Let's produce. How about doing the same thing for renewable energy? Yes, the biofuels, but also wind energy and hydrogen fuel cells and all the other ways that can make us more secure from an energy standpoint. Let's stop babystepping. Let's have a 10-year plan. We cannot do this with a 1-year plan or a 2-year plan. We need to deal with that issue.

We need to deal with the issue of health care costs. I wanted to, but I don't have the time this morning, to respond to my colleague from Iowa who twice has come to the floor to talk about why our Government shouldn't be allowed to negotiate drug prices in the Medicare Program. It is preposterous that we have a provision in law that prevents the Federal Government from negotiating lower drug prices, especially because our consumers in this country pay the highest prices for prescription drugs in the world, and that is unfair. I relish that debate, and I wait for that debate.

Jobs and trade—the fact is, we have lots of issues we need to sink our teeth into. I am going to come back and speak about many of these issues at great length. First, we have to deal with this situation in Iraq. That is very important. That is about the lives of men and women who wear America's uniform. But it is more than that as well. It is about what we are doing around the world. It is about, yes, our lives and our treasure, and we need to get that right.

I mentioned when I started that I think the press, if one listens to all the

programs, tend to portray this as a political tug of war. It is deadly serious, much more serious than a political tug of war. It is about trying to get this right for our country's future.

I hope that in the coming several weeks, we can come to a conclusion about this very important issue—yes, the war in Iraq, the larger war on terrorism, deal with some of these issues, such as homeland security—and then move on to begin to address the issues I just talked about as well; that is, the issue of energy security, health care costs, jobs, trade, and a series of issues that are important for this country's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this morning I rise to discuss the terrible situation we see in Iraq. While home in New Jersey over these last few days, I was often approached by constituents on the street and there was one topic that would come into the conversation almost immediately, when people said: Senator, when are we going to get our troops out of the crossfire in Iraq?

It is a great question, but the answer is certainly not clear.

Our constituents back home understand that President Bush has totally mishandled the diplomatic and strategic parts of the Iraq mission and our troops are the ones who are caught in the middle—caught in the middle of an ethnic civil war between Sunnis and Shiites. From my home State of New Jersey, we have already lost 74 people in Iraq; nationwide the total is quite clear—over 3,000 have lost their lives, and there are over 23,000 wounded with injuries that could disable them for the rest of their lives.

To make matters worse, a disproportionate amount of the burden of this conflict has fallen to Guard and Reserve troops. In fact, in early 2005, the National Guard and the Reserves made up nearly half of the fighting force in Iraq, people who were to be called up when emergencies arose. The Reserves were not there primarily to be a replacement for long-term combat duty. This administration decided early on that their agenda for the military was to shrink the size of our Active Forces. We all heard that. "We will get it down to being lean and mean, and increase reliance on contractors for support." If it were not so tragic, it would be a joke.

Now we see, in practice, the Bush long-term military plan has been a disaster. We do not have enough active troops. We are relying way too much on the Guard and Reserve. And contractors such as Halliburton have been wasting taxpayer dollars right and left.

The proof of this waste was a fine, levied against Halliburton, of \$60 million at one time for overcharges for the care and feeding of our troops. We continue to hear of irresponsible behavior of contractors serving our needs in Iraq. Mismanagement of all forms has been a hallmark of Defense Department supervision.

At every turn, this President has made terrible judgments. Tomorrow we are going to hear another decision by President Bush. Why should the American people trust him to understand what he is getting us into? We heard the President say, "Bring 'em on," one of the most disingenuous statements ever made by a President. I served in Europe during World War II, and I can tell you that we never wanted to hear a Commander in Chief taunting the enemy from the comforts of the White House. Asking more of the enemy to show their faces? We didn't want to see them at all.

We saw the President's foolish display of bravado on the Aircraft Carrier *Abraham Lincoln* when he declared, "Mission accomplished." What a careless statement the President of the United States made that day, over 3½ years ago. Mission accomplished? That meant the job was finished, as far as most people were concerned. But it was not through.

While the President was performing in 2003, leaders were warning of a military crisis. General Shinseki, Army Chief of Staff, told a Senate Armed Services Committee that we would need to keep a large force in Iraq even after a war to curb ethnic tensions and provide humanitarian aid. General Shinseki, distinguished military leader, said we needed several hundred thousand troops there. His assessment was harshly dismissed quickly by the President and by Secretary Rumsfeld. The General's reality-based opinion got in the way of their ideologically based mission of a smaller Active-Duty Force.

In the aftermath of the initial invasion, President Bush has made the wrong move almost every time. Now we have walked so deep into the swamp in Iraq that just adding more guns is not going to work. This so-called surge is another bad idea—slogans, such as "cut and run" have to be matched against the reality of "stay and die."

President Bush likes to say: I do what the generals tell me to. But now we know that is not the case. The generals have been extremely candid about their view of the surge idea. They think it is wrong. Now we are hearing that the President intends to give another \$1 billion to Iraqi reconstruction projects. We want to fund every cent that our troops need for their safety, for their return, for their health care, for their well-being, but sending more money down the rat hole is not going to do it. It is being diverted from programs at home, such as education, stem cell research, health care for all our people, to name a few, and the tax-

payers of New Jersey do not want their money used to build another civilian project in Iraq that is going to get blown up the next day. Before we look to spend more money on civil projects in Iraq, let's get the diplomatic situation straightened out.

The American people want to see us leave Iraq with some hope for stability in our absence. That will require President Bush to use all of the diplomatic tools at his disposal to force a dramatic change of course for the Iraqi Government. The current Government in Iraq has to take real steps to disarm the Shiite militias and show the Sunnis that they will actually be empowered in the Iraqi Government. If we do not do that, we could send a million troops to Iraq tomorrow, but it would not make a difference. If the Sunnis feel the Iraqi Government has nothing to offer and Prime Minister al-Maliki doesn't stop the Shiite militias, the bloodbath will continue.

I hope the leaks about the President's plan are wrong and that he will announce tomorrow a better course, a course that will allow us to exit Iraq but with real hope of a more stable society left behind.

I conclude that with the history of planning for this war and the statements coming from the White House and the leadership of the Defense Department I ask: How can we trust their judgment with a new plan to put more people in harm's way without some idea of when this will end? It is not a good idea and we ought to get a better explanation from the President and the Defense Department as to what might the outcome be if their plan succeeds.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BYRD. Mr. President, the Oxford English Dictionary defines the word "surge"—s-u-r-g-e—as "a sudden large temporary increase." Note in particular the word "temporary." President Bush's rumored new strategy on Iraq—a surge of U.S. troops intended to quell the violence in Baghdad—is both wrongheaded and headed for failure.

As outlined, the surge envisions clearing all violent factions out of Baghdad in an effort which is to be led by Iraqi security forces. Apparently, U.S. forces will provide indiscriminate firepower in another attempt to establish democracy by brute force. This does not seem to me to be the way to win hearts and minds in Iraq.

I oppose any surge in Iraq. Only days ago, just days ago, we passed the grim milestone of 3,000 American dead in Iraq. There are few firm numbers on Iraqi lives lost, but estimates are in the tens of thousands. I am reminded of one definition of "insanity": making the same mistake over and over while continuing to expect a different result. We have surged before. Still the violence in Iraq worsens.